

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

STATE OF UTAH ET AL.,

Plaintiffs,

v.

JULIE A. SU* and
UNITED STATES DEPARTMENT OF LABOR,

Defendants.

NO. 2:23-CV-00016-Z

NOTICE OF APPEAL

All plaintiffs appeal to the United States Court of Appeals for the Fifth Circuit from the final judgment entered on September 21, 2023.

* Plaintiffs have substituted the name of the Acting Secretary of Labor for former Secretary of Labor Martin Walsh as a Defendant in accordance with Fed. R. Civ. P. 25(d).

Dated October 26, 2023.

/s/ Charles K. Eldred

KEN PAXTON
Attorney General
BRENT WEBSTER
First Assistant Attorney General
GRANT DORFMAN
Deputy First Assistant Attorney General
RALPH MOLINA
Deputy Attorney General for Legal Strategy
CHARLES K. ELDRED
Chief, Legal Strategy Division
Texas Bar No. 00793681

Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548
(512) 936-1700
charles.eldred@oag.texas.gov

Counsel for Plaintiff State of Texas

/s/ Jonathan Berry

JONATHAN BERRY
R. TRENT MCCOTTER
MICHAEL BUSCHBACHER
JARED M. KELSON
JAMES R. CONDE
ANDREW W. SMITH

Boyden Gray PLLC
801 17th Street NW, Suite 350
Washington, DC 20006
(202) 955-0620
berry@boydengrayassociates.com

*Counsel for Plaintiffs Liberty Energy Inc., Liberty
Oilfield Services LLC, and Western Energy Alliance*

Respectfully submitted,

/s/ Melissa Holyoak

SEAN REYES
Attorney General
MELISSA HOLYOAK
Solicitor General
CHRISTOPHER A. BATES
Deputy Solicitor General
Utah Attorney General's Office
350 N. State Street, Suite 230
P.O. Box 142320
Salt Lake City, UT 84114-2320
(801) 538-9600
melissaholyoak@agutah.gov
chrisbates@agutah.gov

BRUNN (BEAU) ROYSDEN
Fusion Law, PLLC
7600 N. 15th St., Suite 150
Phoenix, AZ 85020
(602) 315-7545
beau@fusion.law

Counsel for Plaintiff State of Utah

/s/ Andrew Ferguson

JASON MIYARES
Attorney General
ANDREW N. FERGUSON**
Solicitor General
KEVIN M. GALLAGHER**
Deputy Solicitor General

Virginia Attorney General's Office
202 North 9th Street
Richmond, VA 23219
(804) 786-2071
aferguson@oag.state.va.us
kgallagher@oag.state.va.us

Counsel for Plaintiff Commonwealth of Virginia

/s/ Neville Hedley

NEVILLE HEDLEY**

Hamilton Lincoln Law Institute
1629 K Street NW, Suite 300
Washington, DC 20006
(312) 342-6008
ned.hedley@hlli.org

ANNA ST. JOHN

Hamilton Lincoln Law Institute
1629 K Street NW, Suite 300
Washington, DC 20006
(917) 327-2392
anna.stjohn@hlli.org

Counsel for Plaintiff James R. Copland and Alex L. Fairly

STEVE MARSHALL
Attorney General
EDMUND LACOUR
Solicitor General

Alabama Attorney General's Office
501 Washington Ave.
Montgomery, AL 36014
(334) 353-2196
edmund.lacour@alabamaag.gov

Counsel for Plaintiff State of Alabama

/s/ Joseph S. St. John

JEFF LANDRY

Attorney General
ELIZABETH B. MURRILL**
Solicitor General
JOSEPH S. ST. JOHN
Deputy Solicitor General
TRACY SHORT
Assistant Attorney General

Louisiana Department of Justice
1885 N. Third Street
Baton Rouge, LA 70804
(225) 326-6766
murrille@ag.louisiana.gov
stjohnj@ag.louisiana.gov
shortt@ag.louisiana.gov

Counsel for Plaintiff State of Louisiana

TREG TAYLOR
Attorney General
JEFFREY G. PICKETT
Senior Assistant Attorney General
BENJAMIN HOFMEISTER**
Assistant Attorney General

Alaska Department of Law
123 4th Street
Juneau, AK 99801
(907) 269-5275
jeff.pickett@alaska.gov
ben.hofmeister@alaska.gov

Counsel for Plaintiff State of Alaska

TIM GRIFFIN
Attorney General
NICHOLAS J. BRONNI
Solicitor General
DYLAN JACOBS
Deputy Solicitor General

Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
(501) 682-2007
Nicholas.Bronni@arkansasag.gov

Counsel for Plaintiff State of Arkansas

CHRISTOPHER M. CARR
Attorney General
STEPHEN J. PETRANY**
Solicitor General

Georgia Department of Law
40 Capitol Square, SW
Atlanta, GA 30334
(404) 458-3408
spetrany@law.ga.gov

Counsel for Plaintiff State of Georgia

THEODORE E. ROKITA
Attorney General
JAMES A. BARTA**
Deputy Solicitor General

Indiana Attorney General's Office
IGC South, Fifth Floor
302 W. Washington St.
Indianapolis, IN 46204
(317) 232-0709
james.barta@atg.in.gov

Counsel for Plaintiff State of Indiana

ASHLEY MOODY
Attorney General
JAMES H. PERCIVAL
Chief of Staff

Florida Attorney General's Office
The Capitol, PI-01
Tallahassee, FL 32399-1050
Phone: (850) 414-3300
james.percival@myfloridalegal.com

Counsel for Plaintiff State of Florida

RAÚL R. LABRADOR
Attorney General
JOSH TURNER**
Acting Solicitor General
Idaho Attorney General's Office
700 W. Jefferson Street, Ste. 210
P.O. Box 83720
Boise, ID 83720-0010
(208) 334-2400
josh.turner@ag.idaho.gov

Counsel for Plaintiff State of Idaho

BRENNA BIRD
Attorney General
ERIC H. WESSAN
Solicitor General

Iowa Attorney General's Office
1305 E. Walnut Street
Des Moines, IA 50319
(515) 281-5164
eric.wessan@ag.iowa.gov.

Counsel for Plaintiff State of Iowa

KRIS W. KOBACH
Attorney General
ANTHONY J. POWELL
Solicitor General
JESSE A. BURRIS**
Assistant Attorney General

Kansas Attorney General's Office
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Tel: (785) 296-2215
Fax: (785) 296-3131
jesse.burris@ag.ks.gov

Counsel for Plaintiff State of Kansas

LYNN FITCH
Attorney General
JUSTIN L. MATHENY
Deputy Solicitor General

Mississippi Attorney General's Office
P.O. Box 220
Jackson, MS 39205-0220
(601) 359-3680
justin.matheny@ago.ms.gov

Counsel for Plaintiff State of Mississippi

AUSTIN KNUDSEN
Attorney General
CHRISTIAN B. CORRIGAN**
Solicitor General

Montana Department of Justice
215 N Sanders St.
Helena, MT 59601
(406) 444-2707
Christian.Corrigan@mt.gov

Counsel for Plaintiff State of Montana

DANIEL CAMERON
Attorney General
LINDSEY KEISER**
Assistant Attorney General

Kentucky Attorney General's Office
700 Capital Avenue, Suite 118
Frankfort, KY
Tel: (502) 696-5478
lindsey.keiser@ky.gov

Counsel for Plaintiff Commonwealth of Kentucky

ANDREW BAILEY
Attorney General
JOSHUA M. DIVINE
Solicitor General
MARIA A. LANAHAN**
Deputy Solicitor General

Missouri Attorney General's Office
Post Office Box 899
Jefferson City, MO 65102
Tel: (573) 751-3321
josh.divine@ago.mo.gov
maria.lanahan@ago.mo.gov

Counsel for Plaintiff State of Missouri

MICHAEL T. HILGERS
Attorney General
ERIC J. HAMILTON
Solicitor General

Nebraska Attorney General's Office
2115 State Capitol
Lincoln, NE 68509
(402) 471-2682
eric.hamilton@nebraska.gov

Counsel for Plaintiff State of Nebraska

JOHN M. FORMELLA
Attorney General
MARK W. DELL'ORFANO
Assistant Attorney General

New Hampshire Department of Justice
1 Granite Place
Concord, NH 03301
(603) 271-3650
mark.w.dellorfano@doj.nh.gov

Counsel for Plaintiff State of New Hampshire

DAVE YOST
Attorney General
MATHURA J. SRIDHARAN
Deputy Solicitor General

Ohio Attorney General's office
30 E. Broad St., 17th Fl.
Columbus, OH 43215
(614) 728-7511
Mathura.Sridharan@OhioAGO.gov

Counsel for Plaintiff State of Ohio

ALAN WILSON
Attorney General
THOMAS T. HYDRICK**
Assistant Deputy Solicitor General

South Carolina Attorney General's Office
Post Office Box 11549
Columbia, SC 29211
(803) 734-4127
thomashydrick@scag.gov

Counsel for Plaintiff State of South Carolina

DREW H. WRIGLEY
Attorney General
PHILIP AXT
Solicitor General

North Dakota Attorney General's Office
600 E Boulevard Avenue, Dept. 125
Bismarck, ND 58505
(701) 328-2210
pjaxt@nd.gov

Counsel for Plaintiff State of North Dakota

GENTNER F. DRUMMOND
Attorney General
GARRY M. GASKINS, II
Solicitor General
ZACH WEST
Director of Special Litigation

Oklahoma Attorney General's Office
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 521-3921
garry.gaskins@oag.ok.gov
zach.west@oag.ok.gov

Counsel for Plaintiff State of Oklahoma

JONATHAN SKRMETTI
Attorney General and Reporter
GABRIEL KRIMM**
Assistant Solicitor General

Office of the Attorney General and Reporter of
Tennessee
P.O. Box 20207
Nashville, TN 37202-0207
(615) 532-5596
Gabriel.Krimm@ag.tn.gov

Counsel for Plaintiff State of Tennessee

PATRICK MORRISEY

Attorney General

LINDSAY S. SEE**

Solicitor General

MICHAEL R. WILLIAMS**

Principal Deputy Solicitor General

West Virginia Attorney General's Office

State Capitol Complex, Bldg. 1, Rm E-26

1900 Kanawha Blvd. E

Charleston, WV 25305

(681) 313-4550

lindsay.s.see@wvago.gov

michael.r.williams@wvago.gov

Counsel for Plaintiff State of West Virginia

***admitted pro hac vice*

**motion for admission pro hac vice pending*

In association with local counsel:

F. Scott Flow

FLOW LAW FIRM, PLLC

800 SW 9th Avenue

Amarillo, Texas 79101-3206

(806) 372-2010

fsflow@flowlaw.com

Co-Counsel for Plaintiffs other than State of Texas, Tennessee

BRIDGET HILL

Attorney General

RYAN SCHELHAAS**

Chief Deputy Attorney General

Office of the Wyoming Attorney General

109 State Capitol

Cheyenne, WY 82002

(307) 777-5786

ryan.schelhaas@wyo.gov

Counsel for Plaintiff State of Wyoming

CERTIFICATE OF SERVICE

I certify that on October 26, 2023, the undersigned counsel used the CM/ECF system to file this motion with the Clerk of the Court for the United States District Court for the Northern District of Texas. The attorneys in the case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

/s/ Brunn (Beau) Roysden

Brunn (Beau) Roysden

Fusion Law, PLLC